



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Ecology AO# 12-05

Permanent Rule Only

Effective date of rule:

Permanent Rules

☒ 31 days after filing.

☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose:

The purpose of this rule making is to:

- Adopt a new rule, Chapter 173-476 WAC Ambient Air Quality Standards, that contains the federal national ambient air quality standards for large and small particles (PM-10 and PM-2.5), lead, sulfur oxides, nitrogen oxides, ozone, and carbon monoxide. The rule retains the more stringent annual sulfur oxide state standard with a sunset provision.
- Repeal three outdated rules because the new Chapter 173-476 WAC includes updated versions:
 - Chapter 173-470 WAC Ambient Air Quality Standards for Particulate Matter
 - Chapter 173-474 WAC Ambient Air Quality Standards for Sulfur Oxides
 - Chapter 173-475 WAC Ambient Air Quality Standards for Carbon Monoxide, Ozone, and Nitrogen Dioxide

Citation of existing rules affected by this order:

Repealed: Chapter 173-470 WAC, Chapter 173-474 WAC, Chapter 173-475 WAC

Amended:

Suspended:

Statutory authority for adoption: Chapter 70.94 RCW provides statutory authority to adopt rule changes.

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 13-16-083 on 8/06/2013 .

Describe any changes other than editing from proposed to adopted version:

See Attachment A.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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Date adopted: 11/20/13

NAME (TYPE OR PRINT)

Maia D. Bellon

SIGNATURE

TITLE

Director, Department of Ecology

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 21, 2013

TIME: 11:32 AM

WSR 13-24-010

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	<u>13</u>	Amended	_____	Repealed	<u>19</u>
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Attachment A – Changes from Proposal to Adopted Version (AO# 12-05)

RCW 34.05.325(6)(a)(ii) requires Ecology to describe the differences between the text of the proposed rule as published in the *Washington State Register* and the text of the rule as adopted, other than editing changes, stating the reasons for the differences.

There are some differences between the proposed rule filed on August 6, 2013 and the adopted rule filed on November 20, 2013. Ecology made these changes for all or some of the following reasons:

- In response to comments we received.
- To ensure clarity and consistency.
- To meet the intent of the authorizing statute.

The following content describes the changes and Ecology's reasons for making them.

Section	Change(s)	Purpose/Effect
030	Rephrased first sentence which states the definitions in Chapter 173-400 WAC also apply in this rule.	Improved readability.
	Alphabetized list of definitions.	Improved readability.
	Reordered "Federal Equivalent Method or FEM" and Federal Reference Method or FRM" so acronym is listed before the full term	Improved rule usability because that is what the reader will be looking up in the definition.
	Added definition for $\mu\text{g}/\text{m}^3$	Unit used in rule and table.
	Added "v" to ppm (pppmv)	Added ("v") for volume to clarify the correct method to denote pollutants in the air.
100	Changed title.	Better approximation of title in 40 CFR Part 51.
110	Changed title.	Better approximation of title in 40 CFR Part 51.
120	Added word "lead" to first sentence and removed "Pb" throughout section	Added for clarity and consistency.
130 (1)(b)	Changed emission standard from 0.1 ppmv to 0.14 ppmv	Change required by EPA to accommodate difference in state and EPA rounding conventions. Because the state standard has one less significant digit, measured values in the 0.145 to 0.149 ppm range would be considered a violation of the federal standard but not the state standard. This would make the state standard less stringent in some situations. To resolve this, we chose to go to a two significant digits measured value of 0.14.
130(1)(d)	Added "v" to "ppb" for clarity	Made more consistent with the intent of the definition. Added ("v") for volume to clarify the correct method to denote pollutants in the air
130(2)	Removed extraneous word	No need to include "Part" when referencing a specific subsection within a section of CFR.
130(3)	Removed extraneous word	Including "Part" was incorrect when

		referencing a specific subsection within a section of CFR.
130(4)(a)	Added the 24-hr average from 130(4)(b) and corrected the rounding convention description. Minor edit for clarity.	Both the annual and the 24-hour standards have the same number of significant figures. Changed the 24-hr standard to 0.14 ppmv to reflect this. Rounding convention now matches federal rounding convention.
130(4)(b)	Combined with 130(4)(a).	Consistency and clarity.
140(1)	Added “v” to “ppb” for clarity	Added (“v”) for volume to clarify the correct method to denote pollutants in the air.
180(2)	Minor rewording.	Added clarity and consistency.
900	Deleted extraneous word in title.	Not an appendix.
	Changed reference to Sulfur Dioxide/Measurement Method in appendix	Corrected reference.
	Added “v” to ppm and ppb	Added (“v”) for volume to clarify the correct method to denote pollutants in the air.